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The Influence of the Hague Court Greatly Strengthened.

In a very interesting article in the *Independent* of November 21, on "The Results of the Second Hague Conference," Baron d'Estournelles de Constant, who was a member of both the Hague Conferences, calls attention to an important article which, at the suggestion of the American delegation, was added to the Convention for the Pacific Settlement of International Disputes adopted at the first Hague Conference.

This new article, number 48 in the Convention as now revised, provides that in case of a controversy between two nations, either of them, if it thinks wise to do so, may apply directly to the Bureau of the Court at The Hague and ask for arbitration. Heretofore the two nations have had to come to an agreement between themselves before the Hague Court could be approached. Under the new provision, either of two parties to a dispute, if the other should be dilatory or indisposed to have the difference arbitrated, may make its offer of arbitration to the Bureau of the Court, and thus openly before the world.

There is, of course, in the provision no power given to a nation to have enforced a summons upon another nation to appear before the Court. But it was thought by the American delegation that the making of an offer of arbitration openly through the Court would be sufficient in practically every case to induce an unwilling government to yield and allow the controversy to go to The Hague. It is probable that the very existence of this new article, to which all the pow-

ers have agreed, even if it should never be used, will much facilitate the reaching of direct agreements between governments to submit their differences to the Hague Court.

Of this new article Baron d'Estournelles remarks: "This mechanism has not even been noticed by the press, and yet it will be amply sufficient to put all the resources of arbitration in motion. Previously, when two states had a ground of quarrel, they were obliged to agree together to submit the question to arbitration. But such an agreement between two governments whose relations have become envenomed is almost impossible. To-day it is in the power of one of them to make its offer openly, and thus force the second state to accept or decline that offer in presence of public opinion. This is very great progress, although it may appear almost imperceptible, and henceforth a state that sincerely wishes to avoid war can reply to its aggressor, '*I appeal to the judges of The Hague.*' Do you believe that the aggressor will be able to answer, '*I care nothing for justice,*' without raising against him the entire public opinion of the world?"

It seems curious that this important strengthening of the Arbitration Convention under which the Hague Court was established got no notice in the press. We do not remember to have seen a single line about it in any American press dispatch while the Hague Conference was in session or since.

Senator d'Estournelles' estimate of the value of this new article is probably not too high. In the present interdependence of the nations, quickness of intercommunication and growing power of international public opinion, it would be morally nearly impossible for any nation to resist an appeal for arbitration made through the great tribunal which is backed by the conscience and the best thought of the world. Governments are now coming to be just as sensitive to their standing in the community of nations as individuals are in the community of which they are a part.

The close of the second Hague Conference has clearly left arbitration in a considerably stronger position than it was before. All the nations are now parties to the Convention for the Pacific Settlement of International Disputes, and the number of judges in the Permanent Court of Arbitration, as it is at present constituted, will be increased by representatives from all the South and Central American governments. Step by step the great cause goes forward.